

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Petition for Special Leave to Appeal (C)...../2013
CC 9468/2013

RAM PARTAP AND ORS

Petitioners

VERSUS

JOINT DEVELOPMENT COMMISSIONER AND ORS

Respondents

O R D E R

Delay condoned.

The petitioners have claimed the land in question on the basis that he has perfected title by adverse possession as he is in possession of the land in question for the last 35 years. However, the courts below negated his claim and held that the land in question which admittedly belonged to the Gram Panchayat was given on lease to the petitioners but even after expiry of lease, the petitioners failed to deliver possession. Learned counsel, however, submitted that the findings recorded by the courts below be ignored as the petitioners have succeeded in proving that they have been on the land for the last four decades.

However, the counsel should realise that there is no substance in his plea as the position of law on adverse possession is explicitly clear that mere possession on the basis of continuity cannot confer any title on the petitioners as the respondents had been contesting the matter all through against the possession of the petitioners on the land in question due to which the plea of adverse possession could not have been allowed. If the respondents had been lying low and had not taken any steps resisting the possession of the petitioners, perhaps the petitioners could assert that they have perfected their title by adverse possession but when the possession was all through contested, obviously the petitioners' occupation on the land in question after expiry of the lease deed was clearly that of a trespasser specifically when the respondents succeeded in proving that the petitioners are in unauthorised occupation. Thus, the claim of adverse possession of the petitioners cannot be held to have been converted into a perfect title.

The special leave petition thus has no substance and hence, it is dismissed.

.....J.
(GYAN SUDHA MISRA)

.....J.
(J. CHELAMESWAR)

NEW DELHI
MAY 03, 2013

ITEM NO.20

COURT NO.13

SECTION IVB

Petition(s) for Special Leave to Appeal (Civil)...../2013
CC 9468/2013

(From the judgement and order dated 31/10/2012 in CWP No.11405/ 1998,
dated 02/03/2013 in CWP No.11405/1998,RA No.61/2013RSA No.2552/2013 of The
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAM PARTAP AND ORS Petitioner(s)

VERSUS

JOINT DEVELOPMENT COMMISSIONER AND ORS Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 03/05/2013 This Petition was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Vaneet Soni, Adv.
Mr. Shree Pal Singh, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.

The special leave petition is dismissed in terms of the
signed order.

(NAVEEN KUMAR)
COURT MASTER

(SNEH BALA MEHRA)
COURT MASTER

(Signed order is placed on the file)